

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
KENNETH MORO,	:	
	:	INDEX NO. 08-CV-1119 (KMK)
Plaintiff,	:	
	:	NOTICE OF MOTION TO WITHDRAW
-against-	:	AS COUNSEL PURSUANT TO LOCAL
	:	CIVIL RULE 1.4
THE PRUDENTIAL INSURANCE	:	
COMPANY OF AMERICA,	:	
	:	
Defendant.	:	
-----	X	

PLEASE TAKE NOTICE THAT Morgan, Lewis & Bockius, LLP, attorneys for Defendant Prudential Insurance Company of America, shall move before the Honorable Kenneth M. Karas, U.S.D.J. at a date and time to be set by the Court for an Order seeking leave pursuant to Local Civil Rule 1.4 to withdraw as counsel of record for Defendant The Prudential Insurance Company of America in the above captioned matter with consent of Defendant The Prudential Insurance Company of America.

In support of this Motion, Morgan, Lewis & Bockius, LLP shall rely upon the Affidavit of Seth Ptasiwicz. A proposed form of Order is annexed hereto.

No oral argument is requested.

Dated: Philadelphia, Pennsylvania.
July 16, 2008

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
215.963.5000

By: s/Seth Ptasiewicz

Seth Ptasiewicz
Attorneys for Defendant
The Prudential Insurance Company of
America

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
KENNETH MORO,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE PRUDENTIAL INSURANCE	:
COMPANY OF AMERICA,	:
	:
Defendant.	:
-----	X

INDEX NO. 08-CV-1119 (KMK)

**ORDER ON MOTION TO WITHDRAW
AS COUNSEL PURSUANT TO LOCAL
CIVIL RULE 1.4**

This matter having been opened to the Court on Motion of Morgan, Lewis & Bockius, LLP, attorneys for Defendant The Prudential Insurance Company of America, pursuant to Local Civil Rule 1.4 to withdraw as counsel of record for Defendant The Prudential Insurance Company of America in the above captioned matter; and Defendant The Prudential Insurance Company of America having consented to this request and retained new counsel D'Arcambal, Levine & Ousley, LLP; and good cause having been shown;

IT IS HEREBY ORDERED ON THIS _____ DAY OF JULY, 2008
AS FOLLOWS.

1. The Motion of Morgan, Lewis & Bockius, LLP and its attorneys, Brian A. Herman, Esq., Ryan J. Cooper, Esq. and Seth Ptasiewicz, Esq., to withdraw as counsel of record for Defendant The Prudential Insurance Company of America is hereby granted.

SO ORDERED:

HONORABLE KENNETH M. KARAS, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
KENNETH MORO,	:	
	:	INDEX NO. 08-CV-1119 (KMK)
Plaintiff,	:	
	:	AFFIDAVIT IN SUPPORT OF MOTION
-against-	:	TO WITHDRAW AS COUNSEL
	:	PURSUANT TO LOCAL CIVIL RULE
THE PRUDENTIAL INSURANCE	:	1.4
COMPANY OF AMERICA,	:	
	:	
Defendant.	:	
-----	X	

STATE OF PENNSYLVANIA)

COUNTY OF PHILADELPHIA) ss.

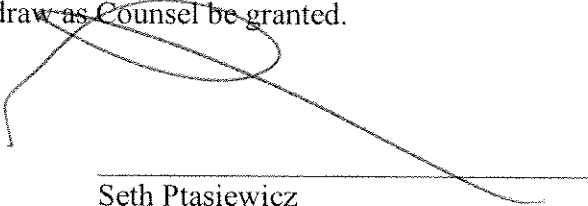
Seth Ptasiewicz, of full age, hereby swears under penalty of perjury as follows:

1. I am an associate with the law firm of Morgan, Lewis & Bockius, LLP, present counsel to Defendant The Prudential Insurance Company of America ("Prudential") with reference to the above-captioned matter. I am admitted to practice before this Court.
2. I submit this Affidavit of support of Morgan, Lewis & Bockius, LLP's Motion pursuant to Local Civil Rule 1.4 to withdraw as counsel of record to Prudential in this litigation concerning the denial of plaintiff's claim for Long Term Disability Benefits under a group disability policy governed by the Employee Income Retirement Security Act, 29 U.S.C. §1001, *et seq*.
3. The request to withdraw as counsel of record to Prudential came as a result of Prudential advising this firm that it wishes to substitute as its counsel of record the law firm of D'Arcambal, Levine & Ousley, LLP as reflected in the Consent to Change Attorney Form and Notice of Appearance electronically filed on behalf of Prudential with this Court and appended

hereto as **Exhibit A** and **Exhibit B**, respectively.


4. No prejudice will arise as a result of this firm's withdraw as counsel of record. I have informed Prudential and its new counsel the law firm of D'Arcambal, Levine & Ousley, LLP has been apprised of the status of this litigation and all pending deadlines.

5. Accordingly, the law firm of Morgan, Lewis & Bockius, LLP and its attorneys of record in this case, Brian A. Herman, Esq., Ryan J. Cooper, Esq. and Seth Ptasiwicz, Esq., respectfully request that the Motion to Withdraw as Counsel be granted.


Seth Ptasiwicz

Sworn to before me this

16th day of July, 2008


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Annette Lopresti, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires June 24, 2010
Member, Pennsylvania Association of Notaries

EXHIBIT A



NYSD_ECF_Pool@nysd.uscourts.gov

07/11/2008 04:36 PM

To deadmail@nysd.uscourts.gov

cc

bcc

Subject Activity in Case 7:08-cv-01119-KMK Moro v. Prudential Insurance Company of America Notice of Substitution of Attorney

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Ousley, Jodie on 7/11/2008 at 4:36 PM EDT and filed on 7/11/2008

Case Name: Moro v. Prudential Insurance Company of America

Case Number: 7:08-cv-1119

Filer: Prudential Insurance Company of America

Document Number: 10

Docket Text:

NOTICE of Substitution of Attorney. Old Attorney: Seth Ptasiewicz, New Attorney: Jodie L. Ousley, Address: d'Arcambal Levine & Ousley, LLP, 40 Fulton Street, Suite 1005, New York, NY, USA 10038, (212) 971-3175. Document filed by Prudential Insurance Company of America. (Ousley, Jodie)

7:08-cv-1119 Notice has been electronically mailed to:

Brian A. Herman bherman@morganlewis.com

Firas E. Nesheiwat fnesheiwat@hvc.rr.com

Ryan John Cooper rcooper@morganlewis.com

Seth Ptasiewicz sptasiewicz@morganlewis.com

7:08-cv-1119 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=7/11/2008] [FileNumber=4796740-0
] [2607afcc47f2329172695579132be249056d95fd569a413363fe33e283518f7d546
5aecaca8ca010aa3589e43728cd7dd257baa71915de40f9f07c1ad9e0e9a7]]

EXHIBIT B



NYSD_ECF_Pool@nysd.uscourts.gov

07/15/2008 01:15 PM

To deadmail@nysd.uscourts.gov

cc

bcc

Subject Activity in Case 7:08-cv-01119-KMK Moro v. Prudential Insurance Company of America Notice of Appearance

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Ousley, Jodie on 7/15/2008 at 1:15 PM EDT and filed on 7/15/2008

Case Name: Moro v. Prudential Insurance Company of America
Case Number: 7:08-cv-1119
Filer: Prudential Insurance Company of America
Document Number: 11

Docket Text:

NOTICE OF APPEARANCE by Jodie Leigh Ousley on behalf of Prudential Insurance Company of America (Ousley, Jodie)

7:08-cv-1119 Notice has been electronically mailed to:

Brian A. Herman bherman@morganlewis.com

Firas E. Nesheiwat fnesheiwat@hvc.rr.com

Jodie Leigh Ousley jousley@darcomb.com

Ryan John Cooper rcooper@morganlewis.com

Seth Ptasiewicz sptasiewicz@morganlewis.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH MORO,

Plaintiff,

-against-

THE PRUDENTIAL INSURANCE COMPANY OF
AMERICA,

Defendant.

Index No.: 08-~~CV-1~~

CONSENT TO
ATTORNEY

IT IS HEREBY CONSENTED that d'Arcambal Levine & Ousley, ~~LLP~~ LP,
Street, Suite 1005, New York, NY 10038, be substituted as attorneys ~~of~~ f re
undersigned party in the above-entitled action in place and stead of the unders ~~igned~~ gner
of the date hereto.

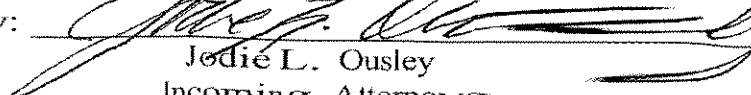
Dated: July 10, 2008

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

By: 
Leonard A. Gius
Director and Corporate Counsel

July 11, 2008

D'ARCAMBAL, LEVINE & OUSLEY

By: 
Jodie L. Ousley
Incoming Attorneys

MORGAN, LEWIS & BOCKLUS

By: 
Seth Ptasiwicz
Outgoing Attorney

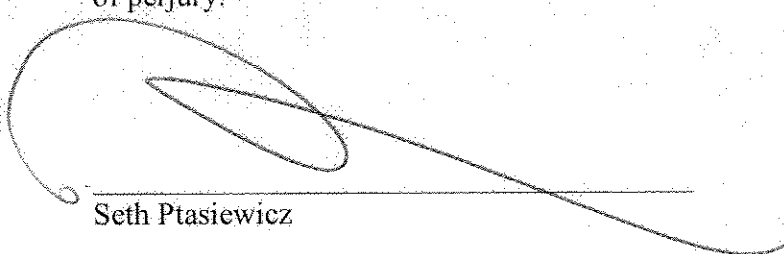
July 9, 2008

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2008, I electronically filed and served the annexed
Notice of Motion to Withdraw as Counsel of Record together with the supporting papers on:

Firas E. Nesheiwat, Esq.
303 Mill Street
Poughkeepsie, New York 12601

I certify that the foregoing statement by me is true and that if not true I am subject to the penalty
of perjury.



Seth Ptasiewicz